

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:

**286 RIDER AVE ACQUISITION LLC,**  
  
Debtor.

Chapter 11

Case No. 21-11298-LGB

**ORDER GRANTING ALLOWANCE  
OF ATTORNEY'S FEES AND EXPENSES**

Upon consideration of Be-Aviv 286 Rider LLC's ("**Lender**") Letter containing time and expense records of Lender's counsel ("**Time Records**") [Docket No. 437], reflecting the fees and expenses of Lender's attorneys compensable under, *inter alia*, the Loan Documents<sup>1</sup> for the period from April 6, 2022 through April 21, 2022 ("**Third Fee Period**"); and

WHEREAS, notice of the hearing on the Time Records having been given to all creditors as required by the applicable Federal Rules of Bankruptcy Procedure; and

WHEREAS, 286 Rider Ave Development LLC, Toby Moskovits, and Yechial Michael Lichtenstein having filed an objection to an unrelated motion, which included an objection to the Time Records ("**Development Objection**") [Docket No. 438]; and

WHEREAS, a hearing ("**Hearing**") was held on April 25, 2022; and Lender, through its counsel, Morrison Cohen LLP ("**MC**"), having appeared in support of the

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<sup>1</sup> As defined in *Be-Aviv 286 Rider LLC's Supplement in Support of Lender's Time and Expense Records that Lender Submitted as Directed by the Court in the Second Amendment to Order Regarding Development's Motion to Confirm Disputed Payoff Amounts, Satisfaction of the DIP Loan, and for Related Relief and Supplement to Same, Dated March 3, 2022* [Docket No. 381].

Time Records; and such other parties whose identities are reflected in the record of the Hearings having appeared and been heard with respect thereto; and

WHEREAS, the Court having duly considered the arguments of counsel as reflected in the record of the Hearing, and due and sufficient cause appearing therefor, it is hereby

ORDERED, that the above-stated recitals are fully incorporated into this order; and it is further

ORDERED, that the Development Objection, and all objections whether written or raised orally at the Hearings, to the Time Records are overruled; and it is further

ORDERED, that fees and expenses of MC as Lender's counsel in the amount of \$154,454.96 for the Third Fee Period are hereby allowed as reasonable and comprise Lender's allowed secured claim against the Debtor's property under section 506(b) of the Bankruptcy Code to the extent set forth in **Schedule A** attached hereto; and it is further

ORDERED, that notwithstanding any rule to the contrary, this order shall take effect immediately upon entry; and it is further

ORDERED, that the Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, and enforcement of this order.

DATED: New York, New York  
April 26<sup>th</sup>, 2022

**/s/ Lisa G. Beckerman**  
HON. LISA G. BECKERMAN  
UNITED STATES BANKRUPTCY JUDGE

**Schedule A**

**286 Rider Ave Acquisition LLC, Case No 21-11298**

**Fees and Expenses of Be-Aviv 286 Rider LLC**

<b>Period</b>	<b>Fees Requested</b>	<b>Fees Allowed As Reasonable</b>	<b>Expenses Requested</b>	<b>Expenses Allowed As Reasonable</b>	<b>TOTAL ALLOWED SECURED CLAIM FOR LEGAL FEES AND EXPENSES</b>
<b>April 6, 2022 through April 21, 2022</b>	\$189,875.00	\$154,160.00 <sup>2</sup>	\$294.96	\$294.96	\$154,454.96
<b>TOTALS</b>	<b>\$189,875.00</b>	<b>\$154,160.00</b>	<b>\$294.96</b>	<b>\$294.96</b>	<b>\$154,454.96</b>

April 26, 2022 LGB

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<sup>2</sup> The stated amount reflects an additional three hours of time for MC attorney Joseph T. Moldovan at \$1,095 per hour for attendance at the Hearing, added to the \$150,875.00 sought by Lender and awarded and allowed by the Court from the Time Records.